

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES***

Applicant: Albert Andrew Murrer III
Title: TRANSPORT CONTAINER
FOR HAZARDOUS MATERIAL
Appl. No.: 10/629,322
Filing Date: 7/28/2003
Examiner: Grosso, Harry A.
Art Unit: 3727
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AMENDED APPEAL BRIEF

Mail Stop Appeal Brief - Patents
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Sir:

In response to the Office Communication dated December 26, 2006, Appellant hereby submits an amended Appeal Brief in full compliance with the provisions of 37 C.F.R. 41.37. This document is timely filed within one month from the mailing date of the Communication.

It is alleged that claim 6 is not mapped to the specification by paragraph number and that the Related Proceedings Appendix is missing. Appellant has specifically indicated support in the specification for claim 6 in the paragraph bridging pages 6 and 7. A Related Proceedings Appendix (Appendix C) also has been added. The contents of Appendix B (Evidence), which were filed previously, are not re-submitted.

Accordingly, Appellant respectfully request entry of the amended brief.

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REAL PARTY IN INTEREST

The real party in interest in this appeal is Quest Diagnostics Investments Incorporated, which is the assignee of the present application.

RELATED APPEALS AND INTERFERENCES

No related appeals or interferences are pending.

STATUS OF CLAIMS

Claims 1-10 and 12-25 are pending in the application. Claim 11 has been cancelled. Claims 6-10, 12-19 and 25 are presently under examination, with the remaining pending claims having been withdrawn from examination by the Examiner following a reply to a Restriction Requirement. The pending claims are presented in Appendix A of this Brief.

In the Final Office Action dated May 5, 2006, claims 6 and 12-15 stand finally rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Redzisz *et al.*, U.S. Patent Publication No. 2003/0136702, in view of Zeddies, U.S. Patent No. 6,336,342;

Claims 7 and 8 stand finally rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Redzisz *et al.*, U.S. Patent Publication No. 2003/0136702, and Zeddies, U.S. Patent No. 6,336,342, in view of Tattam, U.S. Patent No. 6,609,628;

Claim 9 stands finally rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Redzisz *et al.*, U.S. Patent Publication No. 2003/0136702, and Zeddies, U.S. Patent No. 6,336,342, as applied to claim 6, in view of Boyd-Moss *et al.*, U.S. Patent No. 6,631,801;

Claim 10 stands finally rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Redzisz *et al.*, U.S. Patent Publication No. 2003/0136702, and Zeddies, U.S. Patent No. 6,336,342, as applied to claim 6, in view of Kalal, U.S. Patent Publication No. 2003/0106895;

Claim 16 stands finally rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Redzisz *et al.*, U.S. Patent Publication No. 2003/0136702, and Zeddies, U.S. Patent No. 6,336,342, as applied to claim 15, in view of Reichert, U.S. Patent No. 4,865,899;

Claim 17-19 stand finally rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Redzisz *et al.*, U.S. Patent Publication No. 2003/0136702, and Zeddies, U.S. Patent No. 6,336,342, as applied to claim 6, in view of Travis, U.S. Patent No. 4,585,159; and

Claim 25 stands finally rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Redzisz *et al.*, U.S. Patent Publication No. 2003/0136702, and Zeddies, U.S. Patent No. 6,336,342, in view of McHutchison, WIPO Publication No. WO 02/18210 A1.

According to the Notice of Panel Decision from Pre-Appeal Brief Review mailed September 14, 2006, the application remains under appeal and proceeds to the Board.

Claims 6-10, 12-19 and 25 are the subject of this appeal.

STATUS OF AMENDMENTS

In the Final Office Action dated May 5, 2006, the Examiner indicated that the amendment filed February 17, 2006 was entered. In response, a Pre-appeal Brief Request for Review, along with the Notice of Appeal, was filed on August 7, 2006. An adverse Notice of Panel Decision from Pre-appeal Brief Review issued September 14, 2006.

No other amendments or submissions are pending in the application.

SUMMARY OF CLAIMED SUBJECT MATTER

The claimed subject matter relates in part to a container system for efficiently transporting hazardous material. Transportation of hazardous material often requires specialized packaging to ensure security of the material being transported as well as safety for personnel handling the material. Specification, paragraph [0003]. For example, the transport of biohazardous material,

such as organs for transplant patients, requires that the material be maintained in an environment suitable to prevent contamination of the material, as well as to ensure safety of handlers of the material. *Id.* In this regard, materials such as organs are typically placed in hardened containers that may be thermally insulated. *Id.* The insulation maintains the temperature to preserve the organ while hardening protects the organ from damage such as from handling. *Id.*

Conventional containers for transporting bio-hazardous materials are hardened containers, which take a lot of valuable cargo space when empty. Specification, paragraph [0004]. Used containers are either returned empty to the shipper or are discarded. *Id.* Either approach is costly. *Id.*

To solve the problem, the claimed container has an advantageous design comprising a soft-sided outer shell and an inner frame with rigid walls, both of which are at least partially collapsible. As a result, when the inner frame is placed inside the outer shell, the container will assume an assembled configuration for transporting materials. When the container is empty, the inner frame can be removed from the outer shell. Since both of the outer shell and the inner frame are collapsible, they will occupy vastly less cargo space. See for example, specification, paragraph [0005] and paragraph [0025].

Accordingly, the claimed container system comprises, *inter alia*, a soft-sided outer shell that is at least partially collapsible when unsupported, and an inner frame with rigid walls. Such inner frame is adapted to support the outer shell when inserted inside the outer shell and is at least partially collapsible. Specification, paragraph [0017] and paragraph [0023].

Claim 6 recites a container system, which requires a soft-sided outer shell that comprises a plurality of vertical walls and a bottom integrally formed and an inner layer formed of watertight material, and a inner frame having rigid walls to support the outer shell when inserted inside the outer shell. The vertical walls and the bottom of the outer shell form an open top, which is covered by a lid adapted to be selectively secured to the vertical walls. Both the outer

shell and the inner frame are at least partially collapsible. Support for claim 6 is found in the specification, for example, paragraphs [0017], [0021] and [0023].

Claim 7, which depends from claim 6, adds the limitation that the hazardous material is positioned within the outer shell. See for example, specification, paragraphs [0006] and [0024].

Claim 8, which depends from claim 7, which in turn depends from claim 6, adds the limitation that the hazardous material includes an organ. See for example, specification, paragraph [0008].

Claim 9, which depends from claim 6, adds the limitation that the outer shell satisfies IATA 602 requirements. See for example, specification, paragraph [0014].

Claim 10, which depends from claim 6, adds the limitation that the soft-sided outer shell includes vent holes. See for example, specification, paragraph [0041].

Claim 12, which depends from claim 6, adds the limitation that a fastener is included to secure the lid to the vertical walls. See for example, specification, paragraph [0021].

Claim 13, which depends from claim 12, which in turn depends from claim 6, adds the limitation that the fastener is a zipper. See for example, specification, paragraph [0021].

Claim 14, which depends from claim 6, adds the limitation that the bottom is structurally reinforced. See for example, specification, paragraph [0021].

Claim 15, which depends from claim 6, adds the limitation that the outer shell includes an outer fabric layer and foam insulation for thermally insulating an interior of the shell from an external environment. See for example, specification, paragraph [0022].

Claim 16, which depends from claim 15, which in turn depends from claim 6, adds the limitation that the outer shell includes a polyester layer and foam insulation for thermally

insulating the interior from the external environment. See for example, specification, paragraph [0022], and paragraph [0035].

Claim 17, which depends from claim 6, adds the limitation that the inner frame comprises a pair of opposing, rigid longitudinal walls and a pair of opposing, collapsible side walls, where each of the side walls linking an end of one of the longitudinal walls to an end of the other of longitudinal wall, the side walls adapted to collapse to allow a reduction in a distance between the longitudinal walls. See for example, specification, paragraph [0023].

Claim 18, which depends from claim 17, which in turn depends from claim 6, adds the limitation that the inner frame further comprises a rigid bottom pivotably engaged to one of the opposing rigid walls, where the rigid bottom adapted to selectively pivot between a first open position and a second collapsed position. See for example, specification, paragraph [0023].

Claim 19, which depends from claim 17, which in turn depends from claim 6, adds that limitation that the inner frame further comprises a fastener to secure the side walls in a collapsed position. See for example, specification, paragraph [0023].

Claim 25, which depends from claim 6, adds that limitation that the outer shell is capable of withstanding an internal pressure which produces a pressure differential of not less than 95kPa (0.95 bar, 13.8lb/in²) in the range or -40°C to +55°C (-40°F to 130°F). See for example, specification, paragraph [0067].

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. The rejection of claim 6 and 12-16 under 35 U.S.C. §103(a), as being obvious over Redzisz *et al.*, U.S. Patent Publication No. 2003/0136702 (hereinafter “Redzisz”), in view of Zeddies, U.S. Patent No. 6,336,342 (hereinafter “Zeddies”).

2. The rejection of claim 7 and 8 under 35 U.S.C. §103(a), as being obvious over Redzisz and Zeddies in view of Tattam, U.S. Patent No. 6,609,628 (hereinafter “Tattam”).

3. The rejection of claim 9 under 35 U.S.C. §103(a) as being obvious over Redzisz and Zeddies as applied to claim 6, in view of Boyd-Moss *et al*, U.S. Patent No. 6,631,801 (hereinafter “Boyd-Moss”).

4. The rejection of claim 10 under 35 U.S.C. §103(a), as being obvious over Redzisz and Zeddies in view of Kalal, U.S. Patent Publication No. 2003/0106895 (hereinafter “Kalal”).

5. The rejection of claim 16 under 35 U.S.C. §103(a), as being obvious over Redzisz and Zeddies in view of Reichert, U.S. Patent No. 4,865,899 (hereinafter “Reichert”).

6. The rejection of claims 17-19 under 35 U.S.C. §103(a), as being obvious over Redzisz and Zeddies in view of Travis, U.S. Patent No. 4,485,159 (hereinafter “Travis”).

7. The rejection of claim 25 under 35 U.S.C. §103(a), as being obvious over Redzisz and Zeddies, in view of McHutchison (hereinafter “McHutchison”).

ARGUMENT

I. Rejection of claim 6 and 12-16 under 35 U.S.C. § 103(a)

Appellant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a) for claim 6 and 12-16 over Redzisz in view of Zeddies *inter alia* because the motivation to combine these two references is lacking.

Pursuant to MPEP §2143.01, "there are three possible sources for a motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art." *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998) (“the combination of the references taught every element of the claimed invention, however without a motivation to combine, a rejection based on a *prima facie* case of obvious was held improper.”)

MPEP §2143.01 further requires that there must be “some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the reference themselves or in the knowledge generally available to one of ordinary skill in the art” to establish *prima facie* obviousness. *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000), *In re Lee*, 277 F.3d 1338, 1342-44, 61 USPQ2d 1430, 1433-34 (Fed. Cir. 2002), *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

As addressed in further detail below, Appellant submits that there is no suggestion in either Redzisz or Zeddies to combine the teachings as there is no need for an additional (duplicative) rigid inner frame for Redzisz’s container.

According to the Examiner, “Redzisz discloses a container [citations] with a collapsible soft sided outer shell, a plurality of vertical walls and a bottom integrally formed, an inner layer of watertight material [citations] [and] a secured lid to the side walls [citations].” Final Office Action page 2. This description of Redzisz, however, is lacking in certain critical details.

As depicted in the figures, Redzisz discloses a collapsible insulated cooler “in the form of a rectangular parallelepiped enclosure.” Redzisz, paragraph [0004], lines 2-3. It is commonly known that a “rectangular parallelepiped¹,” also known as cuboid, is a closed box composed of three pairs of rectangular faces placed opposite each other and joined at right angles to each other. See, *e.g.*, Wolfram Mathworld, <http://mathworld.wolfram.com/Cuboid.html>. According to Redzisz, the cooler has a bottom side “that is foldable yet maintains its structural integrity and shape when the case is fully opened.” Redzisz, paragraph [0010] (emphasis added).

The nature of the Redzisz cooler that allows for folding is shown in Fig. 11, which depicts the foldable bottom side as being divided into equally sized panels 72 and 74, which “have a shape and configuration defined by semi-rigid or rigid plate members 76 and 78.”

¹ A closed box composed of three pairs of rectangular faces placed opposite each other and joined at right angles to each other.

Redzisz, paragraph [0034]. The cooler is foldable along a central longitudinal line (seam line 80, Fig. 11), which is the border between panels 72 and 74. The cooler is held in a fully collapsed mode by connectors 104 and 106 attached to straps 100 and 102 on the front, cooperating with connectors 86 and 88 attached to straps 90 and 92 on the back side of the case, respectively. Redzisz, paragraph [0035] and figure 8.

It is thus clear from a proper reading of Redzisz that the cooler is designed with sufficient inner structural rigidity resulting at least in part from an inner frame (see Fig. 11, plates 76 and 78) so that the cooler maintains its shape as a “rectangular parallelepiped” when fully opened. This is consistent with all the figures which show that the cooler with rigid sides in its open configuration and is supported the description of connectors and straps for holding the cooler in a collapsed state.

The Examiner’s characterization of Redzisz as having a collapsible “soft sided” outer shell” mischaracterizes the Redzisz cooler design. Redzisz not only does not refer to any “soft-sided” outer shell but rather describes something entirely different -- a cooler with a built in rigid frame.

Appellant respectfully submits that the built in rigid frame of the Redzisz cooler, unacknowledged by the Office Action, defeats the alleged motivation to combine this cooler with the removable and collapsible rigid inner frame of Zeddies. One of ordinary skill would not be motivated to add a second (duplicative) rigid inner frame to a cooler that already has sufficient inner support to maintain its rectangular cooler shape when fully opened.

Furthermore, as seen in Fig. 11, the Redzisz cooler with its integral inner rigid frame has a foldable bottom side being divided into equally sized panels 72 and 74, which “have a shape and configuration defined by semi-rigid or rigid plate members 76 and 78.” Redzisz, paragraph [0034]. The cooler is foldable along a central longitudinal line (seam line 80, Fig. 11), which is the border between panels 72 and 74. These features of the Redzisz cooler allow it to maintain its structural integrity and shape when fully opened yet be collapsible upon the addition of

external force without having to remove the inner rigid frame from the container. To combine the removeable rigid inner frame of Zeddies with the cooler of Redzisz, as the Examiner would have it, runs counter to the purpose of the Redzisz cooler design.

Because motivation to combine the primary and secondary reference is lacking, Appellant respectfully requests that the pending obviousness rejection of claim 6 and 12-16 be withdrawn or reversed.

II. Rejection of claim 7 and 8 under 35 U.S.C. § 103(a)

Appellant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a) for claim 7 and 8 over Redzisz and Zeddies in view of in view of Tattam.

Tattam is cited solely for the use of an insulated container for transporting hazardous material such as an organ. Tattam is not cited for and does not cure the defect in the lack of motivation to combine the primary and secondary reference.

Thus, the rejection *inter alia* fails because it lacks a motivation to combine the teachings of Redzisz with that of Zeddies as discussed above in the rejection of claims 6 and 12-16. For this reason, the pending obviousness rejection of claim 7 and 8 should be withdrawn or reversed.

III. Rejection of claim 9 under 35 U.S.C. § 103(a)

Appellant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a) for claim 9 over Redzisz and Zeddies in view of in view of Boyd-Moss.

Boyd-Moss is cited solely for the disclosure of IATA 602 requirements. Boyd-Moss is not cited for and does not cure the defect in the lack of motivation to combine the primary and secondary reference.

Thus, the rejection *inter alia* fails because it lacks a motivation to combine the teachings of Redzisz with that of Zeddies as discussed above in the rejection of claims 6 and 12-16. For this reason, the pending obviousness rejection of claim 9 should be withdrawn or reversed.

IV. Rejection of claim 10 under 35 U.S.C. § 103(a)

Appellant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a) for claim 10 over Redzisz and Zeddies, in view of Kalal.

Kalal is cited solely for the disclosure of vent holes in the outer shell of a soft sided collapsible container. Kalal is not cited for and does not cure the defect in the lack of motivation to combine the primary and secondary reference.

Thus, the rejection *inter alia* fails because it lacks a motivation to combine the teachings of Redzisz with that of Zeddies as discussed above in the rejection of claims 6 and 12-16. For this reason, the pending obviousness rejection of claim 10 should be withdrawn or reversed.

V. Rejection of claim 16 under 35 U.S.C. § 103(a)

Appellant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a) for claim 16 over Redzisz and Zeddies, in view of Reichert.

Reichert is cited solely for a container for hazardous material, the container constructed with polyester. Reichert is not cited for and does not cure the defect in the lack of motivation to combine the primary and secondary reference.

Thus, the rejection *inter alia* fails because it lacks a motivation to combine the teachings of Redzisz with that of Zeddies as discussed above in the rejection of claims 6 and 12-16. For this reason, the pending obviousness rejection of claim 16 should be withdrawn or reversed.

Additionally, claim 16 is patentable on grounds independent from those already discussed.

Claim 16 requires the cooler to have an outer fabric that includes polyester (specification, page 5, paragraph [0022] and page 8, paragraph [0035]). The final rejection errors in attempting to combine non-analogous art, *i.e.*, the teachings for an underground and above ground bulk storage tank with that of a transport container for biohazardous material.

Pursuant to MPEP § 2141.01(a), "in order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992)

The Examiner argues that that Reichert discloses a container for the transport of hazardous materials constructed from fabric comprising polyester. Office Action, page 4. It is further argued that use of polyester is selected for its high degree of imperviousness to hazardous materials and that such knowledge constitutes a motivation to combine with the teachings of Redzisz and Zeddies. Office Action, page 7, lines 1-5.

Reichert, however, discloses the use of polyester in the "underground and above ground bulk storage tanks" and for the storage of "diesel fuel, gasoline, chemical solvents, and other volatile and/or corrosive materials." Reichert, column 1, line 16, and lines 45-49, respectively.

By contrast, the present invention is a container for small scale transportation and storage of biohazard materials, *e.g.* "medical-related material," "organs or other body parts," or "radioactive material" (see specification, paragraph [0008]). Quite clearly, the Reichert container and the container of claim 16 differ in the scale of capacity, bulk storage tank *vs.* portable container.

Accordingly, Appellant submits that Reichert is non-analogous art because (1) it is not in the field of the present invention, and (2) it is irrelevant to the problem faced by the inventor.

Thus, in addition to the lack of motivation to combine Redzisz with Zeddies, the rejection also fails in attempting to add Reichert, a further incompatible reference. The Examiner, not applicant, has the initial burden to state a *prima facie* obviousness rejection. MPEP 2142. Accordingly, the rejection of claim 16 as being obvious over Redzisz and Zeddies in view of Reichert fails and should be withdrawn or reversed.

VI. Rejection of claim 17-19 under 35 U.S.C. § 103(a)

Appellant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a) for claims 17-19 over Redzisz and Zeddies, in view of Travis.

Travis is cited solely as a design for a removable inner rigid frame. Travis is not cited for and does not cure the defect in the lack of motivation to combine the primary and secondary reference.

Thus, the rejection *inter alia* fails because it lacks a motivation to combine the teachings of Redzisz with that of Zeddies as discussed above in the rejection of claims 6 and 12-16. For this reason, the pending obviousness rejection of claim 17-19 should be withdrawn or reversed.

Additionally, claims 17-19 are patentable on grounds independent from those already discussed.

The Examiner asserts that Travis “discloses a frame structure capable [sic] being used as the inner frame of the invention.” Final Office Action, page 5. However, Travis contemplates such design as the container itself and uses an entirely different design for its removable inner rigid frame (see Fig. 4).

Accordingly, there is no motivation from the art to use the collapsible feature of the container design of Travis as a removable collapsible inner rigid frame design other than in hindsight based on Appellant's invention.

Thus, in addition to the lack of motivation to combine Redzisz with Zeddies, the rejection also fails in attempting to add Travis via the improper use of hindsight. The Examiner, not applicant, has the initial burden to state a *prima facie* obviousness rejection. MPEP 2142. Accordingly, the rejection of claim 16 as being obvious over Redzisz and Zeddies in view of Travis fails and should be withdrawn or reversed.

VII. Rejection of claim 25 under 35 U.S.C. § 103(a)

Appellant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a) for claim 25 over Redzisz and Zeddies, in view of McHutchison.

McHutchison is cited solely for an insulated container for transporting human organs at pressures other than atmospheric pressure. McHutchison is not cited for and does not cure the defect in the lack of motivation to combine the primary and secondary reference.

Thus, the rejection *inter alia* fails because it lacks a motivation to combine the teachings of Redzisz with that of Zeddies as discussed above in the rejection of claims 6 and 12-16. For this reason, the pending obviousness rejection of claim 25 should be withdrawn or reversed.

CONCLUSION

For the reasons discussed above, Appellant respectfully submits that claims 6-10, 12-19 and 25 are in condition for allowance, and respectfully request that the rejections be withdrawn or reversed, and that the claims be allowed to issue.

Respectfully submitted,

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APPENDIX A: PENDING CLAIMS

1. (Withdrawn) A method of transporting hazardous material, comprising:
providing a container system according to claim 6; and
positioning hazardous material into said container system.
2. (Withdrawn) The method according to claim 1, wherein said hazardous material includes an organ.
3. (Withdrawn) The method according to claim 1, wherein said container system satisfies IATA 602 requirements for an outer packaging.
4. (Withdrawn) The method according to claim 1, wherein said soft-sided outer shell of said container system includes vent holes.
5. (Withdrawn) The method according to claim 1, further comprising:
removing said hazardous material from said container system; and
collapsing said container system.
6. (Previously Presented) A container system, comprising:
a soft-sided outer shell, said outer shell comprising a plurality of vertical walls and bottom integrally formed and having an inner layer formed of watertight material, said vertical walls and bottom forming an open top which is covered by a lid adapted to be selectively secured to said vertical walls,
wherein said outer shell is at least partially collapsable when unsupported; and
an inner frame having rigid walls;
wherein said inner frame is adapted to support said outer shell when said inner frame is inserted inside said outer shell;
wherein said inner frame is at least partially collapsable.

7. (Original) The container system according to claim 6, further comprising hazardous material positioned within said outer shell.
8. (Original) The container system according to claim 7, wherein said hazardous material includes an organ.
9. (Original) The container system according to claim 6, wherein said outer shell satisfies IATA 602 requirements for an outer packaging when supported from within by said inner frame.
10. (Original) The container system according to claim 6, wherein said soft-sided outer shell includes vent holes.
11. (Cancelled)
12. (Previously Presented) The container system according to claim 6, further comprising a fastener to secure said lid to said vertical walls.
13. (Original) The container system according to claim 12, wherein said fastener is a zipper.
14. (Currently amended) The container system according to claim 6, wherein said bottom is structurally reinforced.
15. (Original) The container system according to claim 6, wherein said outer shell includes an outer fabric layer and foam insulation for thermally insulating an interior of said shell from an external environment.
16. (Original) The container system according to claim 15, wherein said outer fabric includes polyester.
17. (Original) The container system according to claim 6, wherein said inner frame comprises:

a pair of opposing, rigid longitudinal walls; and

a pair of opposing, collapsible side walls, each of said side walls linking an end of one of said longitudinal walls to an end of the other of said longitudinal walls, said side walls adapted to collapse to allow a reduction in a distance between said longitudinal walls.

18. (Original) The container system according to claim 17, wherein said inner frame further comprises:

a rigid bottom pivotably engaged to one of said pair of opposing rigid walls, said rigid bottom adapted to selectively pivot between a first open position and a second collapsed position.

19. (Original) The container system according to claim 17, wherein said inner frame further comprises a fastener to secure said side walls in a collapsed position.

20. (Withdrawn) A method of transporting hazardous material, comprising:

providing a container system according to claim 6; and

inserting said inner frame into said outer shell; and

positioning hazardous material into said outer shell in an assembled configuration.

21. (Withdrawn) The method according to claim 20, wherein said hazardous material includes an organ.

22. (Withdrawn) The method according to claim 20, further comprising:

removing said hazardous material from said outer shell;

removing said inner frame from said outer shell;

collapsing said inner frame; and

collapsing said outer shell.

23. (Withdrawn) The method according to claim 20, wherein said inserting said inner frame into said outer shell satisfies IATA 602 requirements for an outer packaging.

24. (Withdrawn) The method according to claim 20, wherein said soft-sided outer shell of said container includes vent holes.

25. (Previously Presented) The container system of claim 6, wherein said outer shell is capable of withstanding an internal pressure which produces a pressure differential of not less than 95kPa (0.95 bar, 13.8lb/in²) in the range or -40°C to +55°C (-40°F to 130°F).

APPENDIX B: EVIDENCE

1. Boyd-Moss *et al*, U.S. Patent No. 6,631,801
2. Kalal, U.S. Patent Publication No. 2003/0106895
3. McHutchison, WIPO Publication No. WO 02/18210 A1
4. Redzisz *et al.*, U.S. Patent Publication No. 2003/0136702
5. Reichert, U.S. Patent No. 4,865,899
6. Tattam, U.S. Patent No. 6,609,628
7. Travis, U.S. Patent No. 4,585,159
8. Zeddies, U.S. Patent No. 6,336,342
9. *In re Clay*, 966 F.2d 656, 23 USPQ2d 1058 (Fed. Cir. 1992)
10. *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986)
11. *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992)
12. *In re Kotzab*, 217 F.3d 1365, 55 USPQ2d 1313 (Fed. Cir. 2000)
13. *In re Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002)
14. *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992)
15. *In re Rouffet*, 149 F.3d 1350, 47 USPQ2d 1453 (Fed. Cir. 1998)
16. Wolfram Mathworld, <http://mathworld.wolfram.com/Cuboid.html>

APPENDIX C: RELATED PROCEEDINGS

None.